

810-7-1-.09 Procedure for Reporting and Payment of County Tobacco Taxes on Cigarettes.

(1) The license or privilege tax specified in all legislative acts, heretofore or hereafter enacted, regarding county tobacco taxes on cigarettes, which are to be administered and collected by the ~~State~~ Alabama Department of Revenue, shall be paid on all sales by any qualified wholesale distributor or retailer and any other person, firm, corporation, club or association within the State of Alabama, when such sales of cigarettes are made into said counties.

(2) State-administered county cigarette tax shall be paid by affixing stamps. To ascertain state-administered county revenue stamps, each wholesaler or distributor shall complete and submit to the Department of Revenue an order for county cigarette stamps on a form prescribed by the Department. Orders shall be on the cash basis only. Each order shall be accompanied by payment in one of the following methods:

(a) Cash.

(b) Certified funds (cashier's check, money order, etc.).

(c) Electronic Funds Transfer (EFT) subject to the electronic funds transfer provisions.

(3) A discount, in the amount of that allowed on the purchase of state stamps, will be allowed on county stamp purchases made by qualified wholesalers with a tobacco stamping permit ONLY.

~~(2 4)~~ **Payment of the tax due, if any, and a** A report, on a form prescribed by the Department, shall be filed with the Department on or before the twentieth (20th) day of each calendar month showing all sales of cigarettes into said counties, **stamp purchases, and inventories** for the preceding calendar month. A copy of the report shall be maintained by the taxpayer, along with proper documentation which adequately differentiates and substantiates the amount of tax paid and all deductions, exemptions, or credits claimed for each reporting period by county. Failure to receive a report form does not relieve the taxpayer from filing a report on or before the due date.

~~(3) Payments may be by cash, check, electronic funds transfer (subject to the electronic funds transfer provisions), or any other legal tender.~~

~~(4-5)~~ The full amount of tax due **and the required report** shall be paid and filed ~~to~~ with the ~~State~~ Alabama Department of Revenue, in the manner and time allowed above without any ~~discount or~~ offset being allowed, except for tobacco products returned to the manufacturer for credit as described herein. **Insufficient tax payments and monthly filing requirements shall result in the loss of discount previously allowed and imposition of applicable penalties and interest.**

(~~5~~ 6) Qualified wholesalers whose tobacco products are returned to the manufacturer, or destroyed by the manufacturer's representative, due to such products becoming unfit for use or consumption after distribution, shall be allowed a ~~credit on their monthly tax report only in the month in which proper documentation is received from the manufacturer~~ refund. The following documents are required to substantiate ~~credits~~ refunds: an original affidavit from the manufacturer, a credit memorandum, an authentic credit invoice or memorandum initiated by the qualified wholesaler to the purchaser of said products, and a copy of the qualified wholesaler's invoice to the manufacturer, and such other documentation as the Department of Revenue may require.

(~~6~~ 7) Sales exempted from tobacco tax by law are to be excluded from the taxable measure in the month that the sales occur.

(~~7~~ 8) Every manufacturer, distributor, and importer shall file with the Department of Revenue a report concerning all sales, releases, and deliveries of tobacco products to qualified wholesalers and retailers of this state made or authorized by such manufacturer, distributor, or importer during the preceding calendar month. Such manufacturer, distributor, or importer shall also file a report each month showing all shipments of tobacco products from a point outside this state into this state during the preceding calendar month.

(a) The report required from manufacturers, distributors or importers shall provide the following information concerning each sale, release, or delivery:

1. Name and address of purchaser.
2. Invoice or document number and invoice date.
- 3. Brand purchased.**
- 4. Quantity purchased.**
- ~~3-5.~~ Information pertaining to cancellation of invoices.
- ~~4-6.~~ Gross billing appearing on the invoice.

(b) Each manufacturer, distributor, or importer shall file the monthly report with the Department of Revenue ~~by the last day of each calendar month no later than the 10th day of the month, covering each and every shipment of cigarettes made during the previous calendar month.~~

Author: Loretta Nelson, Sales, Use & Business Tax Division
Authority: §§40-2A-7(a)(5), 40-25-1, 40-25-2(a), 40-25-2(~~g~~), 40-25-7(~~a~~) (5), et al., Code of Alabama 1975, ~~and~~ applicable County Tobacco Tax Acts Act 2005-315, §§40-2A-11, and §§40-1-44 .
History: New rule: Filed August 15, 1989; effective September 19, 1989.
Amended: Filed February 21, 2003, effective March 28, 2003.
Emergency Rule: Filed January 19, 2006, expires May 18, 2006.

APPENDIX A - Chapter 810-7-1

Attachment 810-7-1-.09

Author: Loretta Nelson, Sales, Use & Business Tax Division
Authority: §§40-2A-7(a)(5), 40-25-1, 40-25-2(a), 40-25-2(~~g~~), 40-25-7(a) (5), et al., Code of Alabama 1975, ~~and~~ applicable County Tobacco Tax Acts Act 2005-315, §§40-2A-11, and §§40-1-44
History: Wholesaler's Monthly Report of State-Administered County Cigarette Products
TOB: T-WHSLE-CO (11/05)

APPENDIX B - Chapter 810-7-1

Attachment 810-7-1-.09

Author: Loretta Nelson, Sales, Use & Business Tax Division
Authority: §§40-2A-7(a)(5), 40-25-1, 40-25-2(a), 40-25-2(~~g~~), 40-25-7(a) (5), et al., Code of Alabama 1975, ~~and~~ applicable County Tobacco Tax Acts Act 2005-315, §§40-2A-11, and §§40-1-44
History: Order for State-Administered County Revenue Stamps - TOB: COSO (11/05)